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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/593,118

09/18/2006

Paul Douglas Cochrane

VIRS.P001.A

7326

Stealthdrive Inc  
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Alexandria, VA 22320

7590

06/27/2011

EXAMINER

TUGBANG, ANTHONY D

ART UNIT

PAPER NUMBER

3729

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/593,118	<b>Applicant(s)</b> COCHRANE, PAUL DOUGLAS	
	<b>Examiner</b> A. Dexter Tugbang	<b>Art Unit</b> 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-16, 18-20 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) 14, 15 and 31-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

The applicant(s) election without traverse of the invention of Group II, Claims 16 and 18 through 20, in the reply filed on April 12, 2011 is acknowledged.

**Claims 14, 15 and 31 through 34 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b)** as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made *without traverse* in the reply filed on April 12, 2011.

### *Specification*

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.**

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

The abstract of the disclosure is objected to because of the use of implied phrases, i.e. "The invention, as illustrate...", and because the content does not appear to be directed to the claimed manufacturing process, i.e. process steps recited in Claim 16. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 16 and 18 through 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In Claim 16, it is unclear what is meant by the phrase of "located both said first and second side panel to be compressive members" (lines 6-7). The phrase is awkwardly worded and simply not understood. Furthermore, the phrases of "said first set of compressive members"

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(line 8), "the top and bottom of said at least one disk drive" (lines 9-10), and "said sides of said at least one disk drives" (line 13), each lack positive antecedent basis.

In Claim 18, the phrase "compression members" (line 2) lacks positive antecedent basis. Apparently, this phrase refers to "compressive members" (line 7 of Claim 16).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 16 and 18 through 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al 6,612,667 in view of Hsue 6,657,868.**

Tsai discloses a method comprising: placing first and second side panels (e.g. 111) of a housing in parallel; the first and second side panels having at least one slot (e.g. 113) for including at least one disk drive; providing a first set of structures (e.g. 11, 12, 1131, 1214) located on both the first and second side panel to be compressive members; placing the first set of compressive members such that the compressive members/structures contact a top and bottom surface of at least one disk drive (see Fig. 2); providing a second set of compressive members (e.g. 112, 1122); placing the second set of compressive members such that both sides of the at least one of the disk drives are in contact with the second set of compressive members; wherein the at least one disk drive is held firmly in place by the first and second set of compressive members thereby reducing rotational and external vibrations (col. 3, lines 4-12 and Fig. 2).

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Regarding Claim(s) 18 and 20, Tsai further teaches that the first compressive member is formed or completed as an arched beam (e.g. 1131, 1214) and that these beams are configured to work in unison.

Tsai does not teach that the first and second set of compressive members are formed by “pre-stressing”, or that their material is one of a “polymer”.

Hsue discloses that it is known to form first and second compressive members (e.g. enclosure 602 including top and bottom surfaces and braces 124) by “pre-stressing” through either molding or stamping, and the material of each can be a “polymer” (see col. 3, lines 24-28 and col. 4, lines 21-29).

It would have obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Tsai by forming the first and second set of compressive members with a polymer and by pre-stressing, as taught by Hsue, to at least perform the same function of holding a disk drive firmly in place.

Regarding Claim(s) 19, it would have been an obvious matter of design choice to choose any desired “stiffness” between the beams such that they would vary, since the applicant(s) have disclosed that the claimed that the multiple beams of “varying stiffness”, solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the degrees of stiffness in the beams taught by Tsai et al.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is (571)272-4570.

The examiner can normally be reached on Monday - Friday 8:15 am - 4:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/A. Dexter Tugbang/  
Primary Examiner  
Art Unit 3729**

June 18, 2011